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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/523,366	03/10/2000	Earl G. Powell	AMAT/2801/USA/AKT/SB	4971

7590 02/14/2002

Patent Counsel MS/2061
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EXAMINER

BOOTH, RICHARD A

ART UNIT	PAPER NUMBER
2812	

DATE MAILED: 02/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/523,366

Applicant(s)

POWELL, EARL G.

Examiner

Richard A. Booth

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-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 16-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-15 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of the invention directed to the convex domed lid in Paper No. 6 is acknowledged. However, upon reconsideration, it is believed that the convex and concave lid are not two patentably distinct embodiments as required for a restriction. Therefore, the restriction requirement made in the previous office action has been withdrawn.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, and 14 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Yamamoto et al., U.S. Patent 4,094,722 (see Figure 2 and column 2, line 9 – column 3, line 49).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 5-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto et al., U.S. Patent 4,094,722.

Yamamoto et al. is applied as above but lacks anticipation of a lid with a convex configuration and wherein the lid comprises a plurality of windows positioned along the lid.

With respect to the shape of the lid, absent persuasive evidence that the particular configuration of the claimed container was significant, the particular shape is a matter of choice (see *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966)). Regarding the openings, Yamamoto et al. shows openings 23 in the lid of the processing chamber 24 (see column 2, lines 40-45). In view of this disclosure, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a window in the transfer chamber of Yamamoto in order to allow for viewing of the wafer as the process is being conducted. Regarding using a structural feature for absorbing stress to the lid such as an "S" transition, the examiner takes official notice that such structures are notoriously well known in the art for providing enhanced stability of structures and would have been obvious to incorporate into the Yamamoto et al. reference.

Regarding the material of the lid, Yamamoto discloses forming various elements of the etching apparatus of stainless steel, for example (see column 3, lines 50-56). In view of this disclosure, it would have been obvious to one of ordinary skill in the art at the time the invention was made to form the transfer chamber lid of Yamamoto of stainless steel because this material would be little corroded by caustic gasses (see

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column 3, lines 54-56). Furthermore, regarding the method of manufacture, the method of manufacture is not given patentable weight in apparatus claims.

Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto et al., U.S. Patent 4,094,722 in view of Kroeker, U.S. Patent 6,000,227.

Yamamoto et al., is applied as above but lacks anticipation of having processing or diagnostic devices in the transfer chamber lid.

Kroeker discloses both of these devices being in a transfer chamber lid (see description in applicant's own specification at page 9, lines 26-35). In view of this disclosure, it would have been obvious to one of ordinary skill in the art at the time the invention was made to form a processing or diagnostic device in the transfer chamber lid of Yamamoto et al. because this gives increased controllability over processing.

Allowable Subject Matter

Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

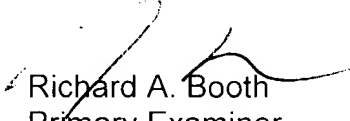
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard A. Booth whose telephone number is 308-3446. The examiner can normally be reached on Monday-Thursday from 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Niebling can be reached on 308-3325. The fax phone numbers for the organization where this application or proceeding is assigned are 308-7724 for regular communications and 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-1782.


Richard A. Booth
Primary Examiner
Art Unit 2812